

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
EASTERN DIVISION

MONTAVIOUS PIPPINS,)	
)	
Petitioner,)	
)	
v.)	Case No. 1:19-cv-109-KOB-GMB
)	
WARDEN B.H. ROMERO,)	
)	
Respondent.)	

MEMORANDUM OPINION

On January 30, 2020, the magistrate judge entered a report and recommendation that this action be dismissed with prejudice. (Doc. 8). On March 2, 2020, Petitioner filed timely objections. (Doc. 11).

In his objections, Petitioner argues that the Federal Bureau of Prisons (“BOP”) was required to rewrite and reprocess his Incident Report after failing to provide him with the report within 24 hours of the time BOP staff became aware of the charge. (Doc. 11 at 5). Petitioner advanced a similar argument before the Magistrate Judge, who rejected it. (Doc. 8 at 8–9). This court finds that *Wolff v. McDonnell*, 418 U.S. 539, 563–71 (1974), does not impose the requirement Petitioner seeks to graft onto it.

Under *Wolff*, the relevant inquiry is whether Petitioner received notice of the charge against him at least 24 hours before the Discipline Hearing Officer (“DHO”) hearing, not whether he received notice within 24 hours of the time BOP staff

became aware of the charge. *See Wolff*, 418 U.S. at 564. The undisputed evidence shows that BOP served Petitioner with the Incident Report on April 12, 2018, and with the Notice of Discipline Hearing on April 13, 2018. (Docs. 5-5 at 2 & 5-9 at 2). Petitioner's DHO hearing did not take place until April 18, 2018. (Doc. 5-2 at 2-4). Therefore, Petitioner was provided more than 24 hours advance written notice of the DHO hearing in compliance with *Wolff*.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation and the objections to it, the court **OVERRULES** Petitioner's objections, **ADOPTS** the magistrate judge's report, and **ACCEPTS** his recommendation. Accordingly, this action is due to be dismissed with prejudice.

A separate order will be entered.

DONE and **ORDERED** this 12th day of March, 2020.

A handwritten signature in cursive script, reading "Karon O. Bowdre".

KARON OWEN BOWDRE
UNITED STATES DISTRICT JUDGE